IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2161 OF 2006.

Praveen Vuppalapati. ... Petitioner.

Versus.

State of Maharashtra & anr. ... Respondents.

Shri Deepak Thakare for the Petitioner.

Shri Y.M.Nakhwa, A.P.P. for the Respondent No.1-State.

Shri Niranjan Mundargi for Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2006.

P.C.:

1. Rule. Learned A.P.P. waives service for State.

Shri Mundargi waives service for the 2nd Respondent.

2. Prayer in this Petition is for quashing the F.I.R. filed by the 2nd Respondent alleging commission of offence under section 498A, 406, 420, 506(II) read with section 34 of the Indian Penal Code against the Petitioner. The Petitioner and the 2nd Respondent are husband and wife. The petition records that there is an overall settlement between the Petitioner and the 2nd Respondent.

3. Today an affidavit is filed by the 2nd Respondent which is taken on record and marked "X" for identification. In paragraphs 3 to 5 of the said affidavit, it is stated thus:

"3. I say that the Petitioner and myself

have arrived at an out of Court amicable settlement wherein one of the clauses is that I shall not pursue with the criminal proceeding against the Petitioner. Accordingly I am filing the present affidavit before this Hon'ble Court that I have no objection if the First Information Report bearing No.340/2005 registered with Dharavi Police Station at my instance is quashed.

4. I say that after the settlement between myself and the petitioner, my application for annulment of marriage bas been allowed by the learned Family Court vide order dated 11.9.2006. Therefore the marriage between the Petitioner and myself does not exist .

5. I say that as agreed between the Petitioner and myself out of Rs.4,25,000/- as full and final settlement and have received Rs.1,75,000/-."

4. It is thus obvious that the F.I.R. was lodged by the 2nd Respondent only because there was a matrimonial dispute between the Petitioner and the 2nd Respondent and now there is a complete settlement between the parties.

5. The continuation of criminal proceedings will cause harassment to both the Petitioner and the 2nd Respondent and hence a case is made out for quashing the proceedings. Accordingly Rule is made absolute in terms of prayer clause (a).

Judge.